



Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No. Garlic



NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): ROBERT McDONALD

For (title): METHOD FOR PREVENTING FUNGAL GROWTH IN PLANTS

1. Type of Application

This new application is for a(n):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Original | <input type="checkbox"/> Divisional |
| <input type="checkbox"/> Design | <input type="checkbox"/> Continuation |
| <input type="checkbox"/> Plant | <input type="checkbox"/> Continuation-in-part (CIP) |

2. Benefit of Prior U.S. Application(s) (35 USC § 120)

- ☐ The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3. Papers Enclosed Which Are Required For Filing Date Under 37 CFR §1.53(b) (Regular) or 37 CFR §1.153 (Design) Application

- 11 Pages of application
2 Pages of claims
1 Pages of abstract
1 Sheets of drawing
 ☒ formal
 ☐ informal

4. Additional papers enclosed

- ☐ Preliminary Amendment
☐ Information Disclosure Statement
☐ Form PTO-1449
☐ Citations
☐ Declaration of Biological Deposit
☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
☐ Special Comments
☐ Other

5. Declaration or oath

- ☐ Enclosed, executed by
- ☐ inventor(s).
 - ☐ legal representative of inventor(s). 37 CFR §1.42 OR §1.43
 - ☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
 - ☐ this is the petition required by 37 CFR §1.47 and the statement required by 37 CFR §1.47 is also attached.
- ☒ Not Enclosed.
- ☐ Application is made by a person authorized under 37 CFR §1.41(c) on behalf of all the above named inventor(s). The declaration or oath, along with the surcharge required by 37 CFR §1.16(e) can be filed subsequently.
 - ☐ Showing that the filing is authorized.

6. Inventorship Statement

The inventorship for all the claims in this application are:

- ☒ The same
- ☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
☐ is submitted. ☐ will be submitted.

7. Language

- ☒ English
- ☐ non-English
- ☐ the attached translation is a verified translation. 37 CFR 1.52(d).

8. Assignment

- ☐ An assignment of the invention to
☐ is attached. ☐ will follow.

9. Certified Copy

Certified copy(ies) of application(s)

(Country)	(Appln. No.)	(Filed)
(Country)	(Appln. No.)	(Filed)

from which priority is claimed:

- ☐ is(are) attached. ☐ will follow.

10. Fee Calculation (37 CFR §1.16)

A. ☒ Regular application

CLAIMS AS FILED

Number filed	Number Extra	Rate	Total
Basic Fee			\$750.00
Total Claims	12	- 20 = 0	x \$ 18.00
Independent Claims (37 CFR 1.16(b))	3 -	3 = 0	x \$ 84.00
Multiple dependent claim(s), if any (37 CFR 1.16(d))		0	\$280.00

- ☐ Amendment cancelling extra claims enclosed.
☐ Amendment deleting multiple dependencies enclosed.
☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ _____

**B. ☐ Design application
(\$330.00--37 CFR §1.16(f))**

Filing Fee Calculation \$ 330.00

**C. ☐ Plant application
(\$250.00--37 CFR §1.16(g))**

Filing Fee Calculation \$ _____

11. Small Entity Statement(s)

☒ APPLICANT QUALIFIES AS A SMALL ENTITY (INDIVIDUAL)

Filing Fee Calculation (50% of A, B or C above) \$375.00

12. Request for International-Type Search (37 CFR § 1.104(d))

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made At This Time

- ☒ Not Enclosed
☐ No filing fee is to be paid at this time.
☐ Enclosed

<input type="checkbox"/> basic filing fee	\$ <u>375.00</u>
<input type="checkbox"/> recording assignment (\$8.00; 37 CFR §1.21(h))	<u> </u>
<input type="checkbox"/> petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached. (\$120.00; CFR §1.47 and §1.17(h))	\$ <u> </u>
<input type="checkbox"/> for processing an application with a specification in a non-English language. (\$30.00; 37 CFR §1.52(d) and §1.17(k))	\$ <u> </u>
<input type="checkbox"/> processing and retention fee (\$120.00; 37 CFR §1.53(d) and §1.21(l))	\$ <u> </u>
<input type="checkbox"/> fee for international-type search report (\$30.00; 37 CFR §1.21(e))	\$ <u> </u>
Total fees enclosed	\$ <u>375.00</u>

14. Method of Payment of Fees

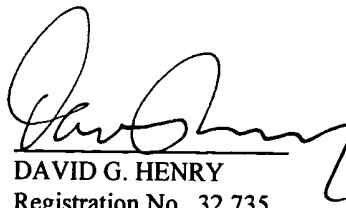
- ☐ Check in amount of \$
☐ Charge Account No. 50-0894 in the amount of \$. A duplicate of this transmittal is attached.

15. Authorization to Charge Additional Fees

- ☐ The Commissioner is hereby authorized to charge the following additional fees by this paper during the entire pendency of this application to Account No. 50-0894.
- ☐ 37 CFR §1.16 (a), (f) or (g) (filing fees)
 - ☐ 37 CFR §1.16 (b), (c) and (d) (presentation of extra claims)
 - ☐ 37 CFR §1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
 - ☐ 37 CFR §1.17 (application processing fees)
 - ☐ 37 CFR §1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR §1.311(b))

16. Instructions As To Overpayment

- ☐ credit Account No. 50-0894
☒ refund



DAVID G. HENRY
Registration No. 32,735
418 Riverview Drive
Waco, Texas 76712
(254) 722-8829
(254) 776-1907 (FAX)

☐ **Incorporation by reference of added pages**

☐ Plus Added Pages For New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added _____

☐ Plus Added Pages for Papers Referred To In Items 5, 11 & 13 Above

Number of pages added 7 (incl. check)

☐ **Statement Where No Further Pages Added**

☐ This transmittal ends with this page.

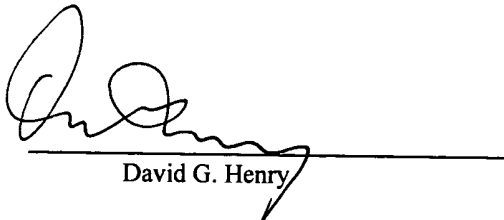
CERTIFICATION UNDER 37 CFR 1.10

Express Mail Label Number: _____

Express Mail Label Number: ET 905263799 US

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date indicated below in an envelope as "Express Mail Post Office to Addressee" addressed to the Mail Stop Patent Application; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450.

7/11/03
Date



David G. Henry